

STATE OF INDIANA            ]  
                                  ] SS:  
COUNTY OF HOWARD         ]

IN THE HOWARD SUPERIOR COURT  
ROOM 3  
CAUSE No. 34D03-9506-CP-0133

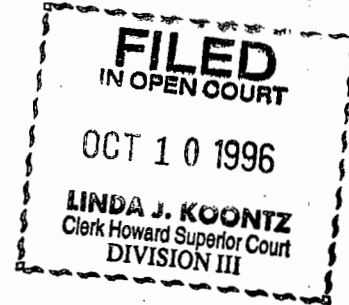
STATE OF INDIANA,

Plaintiff,

v.

TROY A. PEARSON, doing business as  
The Photo Barn,

Defendant.



**VERIFIED MOTION FOR DEFAULT JUDGMENT**

The State of Indiana State of Indiana, by its counsel, Michael A. Beason, Deputy Attorney General, pursuant to Trial Rule 55 of the Indiana Rules of Trial Procedure, moves the Court to enter default judgment in favor of Plaintiff and against Defendant Troy A. Pearson.

In support of this Motion, Plaintiff would show the Court:

1. Plaintiff's Verified Complaint for Injunction and Damages was filed in the Howard Superior Court on June 28, 1995.
2. A Summons and copy of the Verified Complaint for Injunction and Damages were served on Defendant Troy A. Pearson, by publication. Notice of Suit was published in the Kokomo Herald on August 1, August 8 and August 15, 1996, as evidenced by the Publisher's Certificate in the Court's file.
3. Pursuant to Trial Rule 6(C) and (E) of the Indiana Rules of Trial Procedure, a response was due from Defendant thirty (30) days after third publication of the Notice of Suit.
4. More than thirty (30) days have passed since the date of service and Defendant has failed to appear or file a responsive pleading with the Court nor has Defendant filed any

pleadings with the Plaintiff or indicated to Plaintiff that any appearance will be filed.

5. To the best of Plaintiff's knowledge, the Defendant is not in military service, nor is he an infant, incompetent, or under legal disability.

6. At least ten (10) hours have been expended by the Office of Attorney General in the investigation of this case.

WHEREFORE, Plaintiff asks the Court to enter a default judgment against Defendant Troy A. Pearson, pursuant to Indiana Code 24-5-0.5-4(c), permanently enjoining Defendant from making any representations which might constitute a violation of Indiana Code 24-5-0.5-1 *et seq.* Specifically, Defendant shall be permanently enjoined from representing that the Defendant can provide the subject of a consumer transaction within a specified time frame when the Defendant knows or reasonably should know that Defendant cannot, and must, in all other respects, comply with all provisions of the Indiana Deceptive Consumer Sales Act.

Furthermore, Plaintiff prays the Court, pursuant to Ind. Code 24-5-0.5-4(c)(2), for restitution in the amount of all consideration paid to the Defendant by the following consumers, in the amounts listed:

a.	Teresa Williams	\$ 150.00
b.	Michael A. Miller	\$ 75.00
c.	Nancy J. Waldon	\$ 150.00
d.	Pam Lindley	\$ 10.00
e.	Jeannine Vonderahe	\$ 10.00
f.	Cindy Davis	\$ 10.00
g.	Mary Jane Hillis	\$ 10.00
h.	Sally Marner Wallace	\$ 10.00
i.	Joe Orr	\$ 10.00
j.	Janet Philips	\$ 10.00
k.	Bob Schroeder	\$ 10.00
l.	Donna Harmon	\$ 10.00
m.	Keith Rogers	\$ 10.00
n.	Mike Varnau	\$ 10.00
o.	Cris Randall	\$ 10.00

p.	Mark Crites	\$ 10.00
q.	David Kelly	\$ 10.00
r.	Larry Beach	\$ 10.00
s.	David Stewart	\$ 10.00
t.	Ed Reinke	\$ 10.00
u.	Dianna Osborne	\$ 10.00
v.	Debra Sipes	\$ 10.00
w.	Lana Schneider	\$ 10.00
x.	Denise Johnson	\$ 10.00
y.	Larry Smith	\$ 10.00
z.	Marta Ward	\$ 10.00
aa.	Gwen Webb	\$ 10.00
bb.	Janice Stunkard	\$ 10.00
cc.	Donna Mitchell-Wood	\$ 10.00
dd.	Mary Felts	\$ 10.00
ee.	Marylou Pumroy	\$ 10.00
ff.	Linda Montgomery	\$ 10.00
gg.	Monty Maggart	\$ 10.00
hh.	Bill Lovelace	\$ 10.00
ii.	Patricia Hummel	\$ 10.00
jj.	Max Hensley	\$ 10.00
kk.	David Niederhaus	\$ 10.00
ll.	Teresa Van Oordt	\$ 10.00
mm.	Gail Rinehart Flack	\$ 10.00
nn.	Cheryl Brunger	\$ 10.00
oo.	Mike Sutherland	\$ 10.00
pp.	Tosha R. Rogers	\$ 163.00
qq.	Pamela A. Roe	\$1100.00
rr.	Debora K. Humphries	\$ 250.00
ss.	Robert M. Graham, Jr.	\$ 135.00
tt.	Diana Coomer	\$ 202.50
uu.	Deborah D. Rawls	\$ 230.00
vv.	Vada Shirbroun	\$1136.50
ww.	Linda S. Saul	\$ 172.00,

totalling \$4,144.00.

Furthermore, Plaintiff prays the Court, pursuant to Ind. Code 24-5-0.5-8, to enter judgment against Defendant Troy A. Pearson, for a civil penalty of \$500.00.

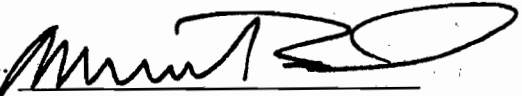
Furthermore, Plaintiff prays the Court, pursuant to Ind. Code 24-5-0.5-4(g), to enter judgment against Defendant Troy A. Pearson, for a civil penalty of \$500.00.

Further, Plaintiff prays the court, pursuant to Ind. Code 24-5-0.5-4(c)(3), to enter judgment against the Defendant Troy A. Pearson, for \$1,000.00 in costs of investigation and prosecution of this cause by the Office of Attorney General, and for all other relief just and proper.

Further, the total judgment requested against Defendant Troy A. Pearson, is \$6,144.00.


Respectfully submitted,

PAMELA CARTER  
Attorney General of Indiana  
Atty. No. 0004242-49

By:   
Michael A. Beason  
Deputy Attorney General  
Atty. No. 15033-49

**AFFIDAVIT**

I, Michael A. Beason, affirm under the penalties of perjury that I have read the foregoing Verified Motion for Default Judgment and that the representations are true.

By:   
Michael A. Beason  
Deputy Attorney General  
Atty. No. 15033-49

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